

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**MEMORANDUM AND ORDER**

## **Proud, Magistrate Judge:**

This matter is now before the Court on Defendant's Agreed Motion to Reverse with Remand. (**Doc. 25**).

The parties agree that this case should be remanded to the agency for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. See, *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Schaefer v. Shalala*, 509 U.S. 292, 302-303 (1993).

The parties agree that, upon remand, "the Appeals Council will instruct a new Administrative Law Judge to further evaluate the opinion evidence and

<sup>1</sup> This case was assigned to the undersigned for final disposition upon consent of the parties pursuant to 28 U.S.C. §636(c). See, Doc. 14.

Plaintiff's residual functional capacity and subjective complaints. If necessary, the ALJ should obtain supplemental vocational expert evidence to determine whether the claimant can perform other work."

The Court notes that plaintiff applied for disability benefits in November, 2006. (Tr. 202). After an ALJ denied her application, the Appeals Council granted review and remanded. Her application was denied by an ALJ for the second time in February, 2013. (Tr. 19-30). Plaintiff's application has been pending for an extraordinarily long time. While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

For good cause shown, Defendant's Agreed Motion to Reverse with Remand (**Doc. 25**) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Margaret A. Cheney's application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence **four** of 42 U.S.C. §405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

**IT IS SO ORDERED.**

**DATED: February 27, 2015.**

**s/ Clifford J. Proud**  
**CLIFFORD J. PROUD**  
**UNITED STATES MAGISTRATE JUDGE**